



# *Pathogen Security and the Biological Weapons Convention*

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**Reynolds M. Salerno, Ph.D.  
Sandia National Laboratories**





# **Bacteriological (Biological) and Toxins Weapons Convention (BWC)—A Short History**

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- **The BWC was opened for signature in 1972 and entered into force in 1975**
- **First multilateral convention to outlaw an entire class of weapons**
- **Goal: to prohibit the development, production, and stockpiling of biological weapon agents, toxins, equipment, and means of delivery**
- **The BWC spent about 12 years attempting to develop a verification protocol that would ensure the objectives of the Convention**
- **November 2001**
  - **Clear that consensus would not be reached**
  - **2001 Review Conference was suspended for one year to allow States Parties to explore alternative approaches to accomplishing the objectives of the BWC**



## November 2002—Toth Work Plan

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- **Convention Chair Tibor Toth presented a work plan that would carry Convention through the next Review Conference in 2006**
  - **Status of National Implementing Legislation (2003)**
  - **National Pathogen Security Methods & Practices (2003)**
  - **Disease Surveillance and Outbreaks (2004)**
  - **Investigating Unusual Disease Outbreaks (2004)**
  - **Codes of Conduct for Scientist (2005)**
- **Each year there would be a meeting of experts, not to exceed two weeks in length, to report on national and international efforts**
  - **The experts meeting would be followed by a meeting of States Parties, not to exceed one week in length**
  - **Each topic should be completed in its assigned year, with a revisiting of topics only at the 2006 Review Conference**



# National Implementing Legislation

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- **Article IV requires that each State Party enact implementing legislation for enforcement of the BWC**
- **Places an obligation on States to control misuse by both State agencies and non-state agencies within its jurisdiction or control**
- **May require modification of criminal code or other laws**



# National Pathogen Security

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- **Article II mandates States Parties to take appropriate measures to protect the public and the environment from dangerous biological agents**
- **Article III indicates that States Parties cannot provide resources to others to misuse biological agents**
  - **Obligates States Parties to use caution when transferring or sharing biological agents and toxins that have potential as weapons**
  - **Mandates that States Parties only transfer these agents for peaceful purposes and that those receiving them are known to be qualified to handle the agents**
- **Article VII compels States Parties to assist a State Party that has been harmed by the misuse of biological agents**
  - **Inference that States Parties must work to ensure that other States Parties cannot be harmed by biological weapons, including the understanding that States Parties are responsible for the safety and security of their biological resources**



# International Cooperation

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- **Article V sets a precedent for cooperation between nations in accomplishing the goals and objectives of the Convention**
  - **It recognizes the United Nations, and its affiliate organizations, such as the World Health Organization (WHO) and the Food and Agriculture Organization (FAO), as important players in engaging the Convention**
- **Article X indicates that all States Parties should cooperate and share information and biological agents to the degree possible without violating other aspects of the Convention**
  - **Inference that a State Party requesting biological agents be able to demonstrate that it is can use the agents safely, securely, and legitimately**



# Recommended Measures at the National Level

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- **BWC Implementing Legislation** banning the development, production, and stockpiling of biological weapon agents, toxins, equipment, and means of delivery
- **National Legislation for Laboratory and Transportation Biosecurity**
  - List or methodology for identifying pathogens to be controlled
  - National authority to control dangerous pathogen use and to license facilities to use dangerous pathogens
- **Biosecurity Implementation Standards or Guidelines**
  - Provide assistance to those who handle, store, or transport dangerous pathogens so that they can comply with legislation while still meeting their biomedical and bioscience research and diagnostic obligations
- **Coordination on these issues with relevant international organizations, such as WHO and FAO, and with other States Parties**



# Summary

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- **Pathogen security is a global concern**
  - **Every country shares the burden of securing pathogens**
  - **A single laboratory with insufficient safety and security practices can be responsible for a local, regional, or international health crisis or a terrorist incident**
- **In 2003, the 150 member states of the Biological Weapons Convention set national legislation and biosecurity as their highest priorities**
- **The WHO and other organizations are providing leadership and resources for enhanced biosafety and biosecurity worldwide**
- **The United States has set biosecurity as a priority and will try to assist other countries implement improved systems**



## Extra Slides

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### **The 15 Articles of the BWC**





## Article I

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***Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:***

- (1) Microbial or other biological agents or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes;***
- (2) Weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.***



## Article II

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***Each State Party to the Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible, but no later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment, and means of delivery specified in Article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this article all necessary safety precautions shall be observed to protect populations and the environment.***



## Article III

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***Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States, or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment, or means of delivery specified in Article I of the Convention.***



## Article IV

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***Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of these agents, toxins, weapons, equipment, and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.***



## Article V

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***The State Parties to this Convention undertake to consult one another and to cooperate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and cooperation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance to its Charter.***



## Article VI

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- (1) Any State Party to this convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.***
- (2) Each State Party to the Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform States Parties to the Convention of the results of the investigation.***



## Article VII

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***Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.***



## Article VIII

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***Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925.***



## Article IX

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***Each States Party to the Convention affirms the recognized objective of effective prohibition of chemical weapons, and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production, and stockpiling, and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.***



## Article X

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- (1) The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials, and scientific and technical information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also cooperating in contributing individually or together with other States Parties or international organizations to the further development and scientific discoveries in the field of bacteriology (biology) for the prevention of disease, and for other peaceful purposes.***
- (2) The Convention shall be implemented in a manner designed to avoid hampering of the economic or technological development of States Parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.***



## Article XI

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***Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.***



## Article XII

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***Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are realized. Such review shall take into account any new scientific and technological developments relevant to the Convention.***



## Article XIII

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- (1) This Convention shall be of unlimited duration.***
- (2) Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.***



## Article XIV

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- (1) *This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph (3) of this Article may accede to it at any time.***
- (2) *The Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.***
- (3) *This Convention shall enter into force after the deposit of the instruments of ratification by twenty-two Governments, including the Governments designated as the Depositaries of the Convention.***
- (4) *For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the dates of the deposit of their instruments of ratification or accession.***
- (5) *The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force this Convention, and the receipt of other notices.***
- (6) *This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.***



## Article XV

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***This Convention, the English, Russian, French, Spanish, and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.***